

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK OF NEW YORK

BRENT BAYNON,	:	Index No. 11-cv-1181 (ADS)(ARL)
Plaintiff,	:	
-against-	:	
WENNER MEDIA, INC. and JANE WENNER, AMY BURAK, TIM WALSH, and FRANCINE CAHILL, (Sued in their Individual and Official Capacities pursuant to N.Y. Executive Law 290 et seq.),	:	
Defendants.	:	
	:	

STIPULATION OF DISMISSAL

WHEREAS Plaintiff filed the Complaint in this action on March 14, 2011;

WHEREAS Plaintiff alleges purported violations of the Fair Labor Standards Act (“FLSA”), New York Labor Law (“NYLL”) and New York State Human Rights Law, New York State Executive Law (“NYEL”);

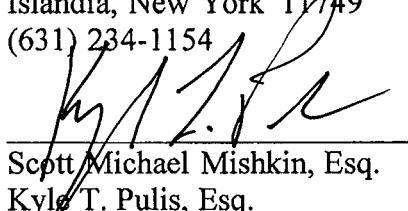
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff and Defendants, as follows:

- (1) Plaintiff's claims based on federal law in the above-captioned litigation, arising under the Fair Labor Standards Act or otherwise, are hereby voluntarily dismissed in their entirety and with prejudice;
- (2) Plaintiff's claims arising under New York State Labor Law in the above-captioned litigation, are hereby voluntarily dismissed in their entirety and with prejudice;

(3) Defendants shall be permitted to retain and use any discovery received prior to or after the date of execution of this Stipulation, including, but not limited to, medical records received pursuant to Defendants' subpoenas to Plaintiff's health care providers, except the three health care providers for whom Plaintiff has revoked his HIPAA authorization, in any subsequent proceeding or litigation involving any claim in Plaintiff's Complaint not voluntarily dismissed with prejudice herein.

(4) Plaintiff's claims arising under the New York State Human Rights Law, New York State Executive Law, in the above-captioned litigation, are hereby involuntarily dismissed in their entirety, based on lack of supplemental jurisdiction, without prejudice to Plaintiff commencing a new action in state court, pursuant to the authority of Section 205 of the Civil Practice Law and Rules ("CPLR") of New York in commencing such action.

SCOTT MICHAEL MISHKIN, P.C.
ATTORNEYS FOR PLAINTIFF
One Suffolk Square, Suite 240
Islandia, New York 11749
(631) 234-1154

By: 

Scott Michael Mishkin, Esq.
Kyle T. Pulis, Esq.

Dated: 2/28/2012

LITTLER MENDELSON, P.C.
ATTORNEYS FOR DEFENDANTS
900 Third Avenue
New York, New York 10022-3298
(212) 471-4486

By: 

A. Michael Weber, Esq.
Barbara A. Gross, Esq.

Dated: _____

SO ORDERED on this _____ day of _____, 2012

United States District Judge